

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**GORDON VAUGHN, #0116069,  
Plaintiff,**

**vs.**

**STATE OF ALABAMA, *et al.*,  
Defendants.**

:  
:  
:  
:  
:  
:  
:

**CIVIL ACTION: 12-00769-KD-N**

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made (Doc. 6), the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated February 4, 2013, is hereby **ADOPTED** as the opinion of this Court. Accordingly, it is **ORDERED** that Plaintiff's motion to proceed without prepayment of fees (Doc. 2) is **DENIED**, and moreover, this action is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(g).

**DONE and ORDERED** this the 4<sup>th</sup> day of **March 2013**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**